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11 GAP INC.

12 UNITED STATES DISTRICT COURT
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14 NORTHERN DISTRICT OF CALIFORNIA
15
16 SAN FRANCISCO DIVISION
17

18 JOEL RUIZ, On Behalf of Himself and All Others
19 Similarly Situated,

20 Plaintiff,

21 v.

22 GAP, INC., and DOES 1-9 inclusive,

23 Defendants.

Case No. C 07-5739 SC

**[PROPOSED] ORDER
GRANTING DEFENDANT GAP
INC.'S MOTION TO STRIKE
PLAINTIFF'S CLASS
DEFINITION OR, IN THE
ALTERNATIVE, TO AMEND
THE CLASS DEFINITION**

Date: September 5, 2008
Time: 10:00 a.m.
Room: Courtroom 1, 17th Floor
Judge: Honorable Samuel Conti

Complaint filed: November 13, 2007

24 On September 5, 2008, the Honorable Samuel Conti heard GAP Inc.'s ("GAP") Motion to
25 Strike Plaintiff's Class Definition or, in the Alternative, to Amend the Class Definition. Having
26 read and considered the papers filed and arguments made by counsel, and good cause appearing
27 therefor:

28 [IT IS HEREBY ORDERED that Gap's Motion to Strike Plaintiff's Class Definition is
GRANTED.]

1 [IT IS HEREBY ORDERED that Gap's Motion to Amend the Class Definition is
2 GRANTED. Paragraph 44 of the Class Action Complaint is hereby amended to exclude those
3 persons who have suffered, or claim to have suffered, an actual identity theft, as follows:

4 All persons that have applied for a position with Gap Inc., Old
5 Navy, Banana Republic, Piperlime, Outlet Stores, or any other
6 relevant Gap brand store, through Gap's application process from
7 July 1, 2006 to July 31, 2007, and whose personal information was
8 compromised in a laptop theft from one or more of Gap's third
9 party vendors. ***This definition excludes any such person who has
10 suffered, or claims to have suffered, actual identity theft as a
11 result of the incident.***

12 Dated: _____, 2008

13 _____
14 Honorable Samuel Conti
15 NORTHERN DISTRICT OF CALIFORNIA
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